

**AGENDA
BOARD OF SELECTMEN
MONDAY, MARCH 28, 2016**

6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following: Monday, March 14, 2016 Regular Session

APPOINTMENTS & HEARINGS

- 6:30 – Public Comment
- 6:40 – Public Hearing: 2016 Seasonal Liquor License Renewals
- 6:50 – Public Hearing: Application for Alteration of Premises, Popponesset Inn, Paul M. Kruzel, Manager
- 7:00 – Public Hearing: Application for New Seasonal Package Store, All Alcohol Beverage License, Popponesset Country Store, Joseph V. Anastos, Manager

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- 1) Discussion of enforcement of Nitrogen Control Bylaw
- 2) Request to waive commercial/industrial new construction fees, Stuart Bornstein
- 3) Approval of Special Events Application, Mashpee Wampanoag Indian Museum, July 24, 2016
- 4) Approval of appointment as member of the Sewer Commission, representing Precinct 1 –
Bradford H. Pittsley
- 5) Approval of appointment as alternate member of the Americans with Disabilities Act Committee
– *Sidney L. Davis*
- 6) Approval to reinstate Article 10 of the May 2016 Special Town Meeting Warrant, submitted by the Community Preservation Committee, relative to the proposed Disc Golf Course project
- 7) Approval of Final Draft of the May 2016 Special and Annual Town Meeting Warrants

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

LIAISON REPORTS

EXECUTIVE SESSION

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Present: Selectman Cahalane, Selectman Sherman, Selectman Gottlieb,
Selectman O'Hara, Selectman Cotton
Town Manager Rodney C. Collins

Meeting Called to Order by Chairman Cahalane at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES:

Monday, March 14, 2016 Regular Session:

Motion made by Selectman Sherman to approve the minutes of Monday, March 14, 2016 as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment: None at this time.

Public Hearing: 2016 Seasonal Liquor License Renewals:

The Board of Selectmen, acting as the Licensing Authority for the Town of Mashpee opened the Public Hearing on the renewal of all seasonal liquor licenses in the Town of Mashpee. The Hearing notice was read aloud into the record in accordance with posting procedures.

It was disclosed the following liquor license holders have filed for renewal of their seasonal all alcohol licenses; Cooke's Seafood, The Lure, Bob's Seafood Café, and the Raw Bar. All license holders have submitted proof of workers' compensation insurance as mandated by the State and all license holders have submitted proof of liquor license liability insurance.

All seasonal liquor license holders are current on their tax payment, and there have been no reported violations to date. All liquor license holders have passed inspections by Building, Health and Fire Departments. Being no comment the Board motioned to close the Public Hearing.

Motion made by Selectman O'Hara to close the Public Hearing.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

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Public Hearing: 2016 Seasonal Liquor License Renewals: (continued)

Motion made by Selectman O'Hara to renew the seasonal all alcohol licenses of the following;
Azzaro Mashpee, Inc. d/b/a Cooke's Seafood
New Seabury Resource Management, Inc. d/b/a The Lure
L.N.R.R. Corporation d/b/a Marketplace Café, Bob's Seafood Café
The Raw Bar, Inc. d/b/a Raw Bar

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Public Hearing: Application for Alteration of Premises, Popponesset Inn, Paul M. Kruzel, Manager:

The Board of Selectmen opened the Public Hearing on the application of New Seabury Resources Management, Inc., d/b/a Popponesset Inn, 252 Shore Drive, Mashpee, Paul M. Kruzel, Manager, for an alteration of premises, for the relocation of an interior archway. There is no change in seating or occupancy.

The Hearing notice was read into the record. Paul Kruzel, Manager was in attendance to review the license request with the Board of Selectmen. The relocation of the interior archway would relocate the interior doorway to the dining room. There was no public comment with respect to this regard.

Motion made by Selectman O'Hara to close the Public Hearing.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Motion made by Selectman Gottlieb to approve the application of the Popponesset Inn for alteration of premise as described.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

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APPOINTMENTS & HEARINGS:

Public Hearing: Application for New Seasonal Package Store, All Alcohol Beverage License, Popponesset Country Store, Joseph V. Anastos, Manager:

Selectman Sherman read aloud the Public Hearing notice relative to the application of Poppy Market, Inc., d/b/a Popponesset Country Store, Joseph V. Anastos, Manager, for a new Seasonal Package Store, All-Alcohol Beverage License. Property is described as; location 259 Shore Drive, Mashpee at Popponesset Marketplace, 2,259 sq. ft. retail area; one (1) main entrance and one (1) rear entrance.

Joseph V. Anastos, Manager was in attendance with representing counsel Mark Gildea. Mr. Anastos indicated he has operated the subject store in 2007 and in 2008. Attorney Gildea presented the Board of Selectmen with a copy of the notification to abutters including an affidavit stating the Mashpee Congregational Church is located within 500' of the subject parcel and has no objection to the granting of the all alcohol package store license. There was no public comment with respect to this regard.

Motion made by Selectman Gottlieb to close the Public Hearing.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Motion made by Selectman Gottlieb to approve the application of Poppy Market, Inc., d/b/a Popponesset Country Store, Joseph V. Anastos, Manager, for a Seasonal Package Store, All-Alcohol Beverage License at 259 Shore Street, Mashpee.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

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Discussion of enforcement of Nitrogen Control Bylaw:

It was recently brought to the Environmental Oversight Committee's attention that a lawn application firm was applying fertilizer on March 17, 2016. The Town's newly implemented Nitrogen Control Bylaw prohibits fertilizer applications prior to April 14th. Selectmen Gottlieb, a member of the EOC indicated this is a good opportunity to remind people that although there have been unseasonable warm temperatures, early fertilizer/pesticide applications tend to go into ground and surface water more readily. EOC member and Conservation Agent Andrew McManus stated the Conservation Commission is routinely monitoring and completing due diligence with respect to this regard. There is language in the wetland bylaw regarding lawn standards which is being followed in the new application process to ensure compliance. Rodney C. Collins, Town Manager indicated that although the bylaw falls under the jurisdiction of Board of Health and Conservation Department enforcement will be reviewed on a case by case basis by the Town of Mashpee for specific complaints.

Request to waive commercial/industrial new construction fees, Stuart Bornstein:

Stuart Bornstein was in attendance to request the Board of Selectmen waive his commercial building permit application for the construction of a pre-fab metal building 60'x40' at the site location 104-B Falmouth Road, Mashpee. The building permit fee is \$40,500.

The site location is within the former Augat building currently occupied by Boston Interiors and other businesses. Mr. Bornstein indicated he owns property to the rear of the facility and over time he has spent a great deal of funds. Mr. Bornstein indicated he was required to alter the entrance, has sold land in this area to the Tribe and has continued to pay taxes on his vacant building for a number of years. Mr. Bornstein noted that he is planning on constructing a second commercial building to serve as a warehouse storage facility at the site location. Since he has been paying a lot of excess taxes, Mr. Bornstein requested some financial relief from the Town by waiving the building permit fee for the commercial building project. The subject property is presently assessed at \$6 million.

The Board of Selectmen generally considers fee waivers for non-profit organizations when approached. However, all other business entities pay their taxes, and do not look to the public for relief. Mr. Bornstein was noted to have over 70 public corporations where he is listed as an owner and the properties held in Mr. Bornstein's name in the Town of Mashpee are assessed for over \$12 million.

There was concern with respect to setting precedence with respect to this regard.

Motion made by Selectman Gottlieb to reject the request of Stuart Bornstein and not waive the new construction commercial/industrial building permit fee.

Motion seconded by Selectmen Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes
Selectman O'Hara, yes

Selectman Sherman, yes
Selectman Cotton, yes

Selectman Gottlieb, yes
Opposed, none

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Approval of Special Events Application, Mashpee Wampanoag Indian Museum, July 24, 2016:

A Special Events Application was before the Board for a Native American Artisan Festival planned to be held at the Community Park on July 24, 2016 from 10:00 a.m. to 4:00 p.m. Kitty Hendricks was in attendance representing the Mashpee Wampanoag Indian Museum to discuss specifics regarding the 2nd Annual Native Artisan Festival.

Ms. Hendricks indicated Native American artisans would showcase their art which would be available for purchase. Cultural presentations, demonstrations, and musical performances will be provided to share Native culture with the spectators. It is estimated that 200 participants would be attending the festival. All applicable regulatory agencies have signed off on the special events application.

Motion made by Selectman Gottlieb to approve the Special Events Application of the Mashpee Wampanoag Indian Museum to use the Community Park on July 24, 2016 as referenced.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Approval of appointment as member of the Sewer Commission, representing Precinct 1 – Bradford H. Pittsley:

Correspondence was received from the Sewer Commission dated March 18, 2016 recommending the appointment of Bradford Pittsley to the Commission. A letter of interest was attached to the recommendation from Mr. Pittsley dated December 4, 2015. Presently, there are two vacancies on the Sewer Commission. Mr. Pittsley's appointment would fill the Precinct 1 position.

Motion made by Selectman Gottlieb to appoint Bradford H. Pittsley to the Sewer Commission as referenced.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

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Approval of appointment as alternate member of the Americans with Disabilities Act Committee –
Sidney L. Davis:

Robert Wooldridge Chair of the ADA Committee remitted a letter of recommendation dated March 16, 2016 for the appointment of Sidney L. Davis to the Americans with Disabilities Act Committee. Mr. Davis submitted a letter of interest dated February 22, 2015 to the advertised position.

Motion made by Selectman Gottlieb to appoint Sidney L. Davis to the ADA Committee as recommended.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Approval to reinstate Article 10 of the May 2016 Special Town Meeting Warrant, submitted by the
Community Preservation Committee, relative to the proposed Disc Golf Course project:

Mary Bradbury, Recreation Director was in attendance with Andrew McManus, Conservation Agent to request the Board of Selectmen re-instate Article 10 of the May Special Town Meeting Warrant relative to the proposed Disc Golf project with a change in location from the Pickerel Cove Recreation Area to 156 Ashumet Road, Mashpee. Ms. Bradbury indicated she met with the Community Preservation Committee last Friday and received unanimous support to change the explanation of the Special Town Meeting article to reflect the new site location.

In reviewing this proposal, it was agreed the emerging sport would most likely become a very popular and a large operation in the Town of Mashpee. Ms. Bradbury indicated that revenues generated from leagues and tournaments would offset costs and assist with the upkeep of the site.

It was noted the Marstons Mills site located at the Burgess Park is the only other disc golf location on the Cape and it is used on a frequent basis. It was agreed that user ship in Mashpee would most likely increase as well over time since the park would be open to the general public. Mr. McManus participates in the sport, and stated the park is quite active in the early spring to late fall mostly during the latter part of the afternoon. Although the park also has a small playground and an area to grill along with the historic Burgess building, approximately 30 to 50 cars are on site for the disc golf program deemed the main attraction at this location. It was noted the Cape Cod Disc Golf Club manages the course and the surrounding land. Management responsibilities include the clean-up of debris and ensuring the site is not vandalized. Mr. McManus indicated there is a responsible user presence to self-police the disc golf course area.

It was determined that additional taxpayer funds through the Community Preservation Act may be required to fund this project if additional parking is necessary. This may impact the adjacent dog park. It was noted the Mashpee Public Library and the Splash Pad at Heritage Park have become quite popular, and are not used solely by the residents of the Town of Mashpee.

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Approval to reinstate Article 10 of the May 2016 Special Town Meeting Warrant, submitted by the Community Preservation Committee, relative to the proposed Disc Golf Course project: (continued)

It was agreed the Disc Golf proposal would be a great recreational addition to the Town of Mashpee. The Board of Selectmen and Town Manager were supportive of the concept. It was recommended the Board move forward with the article to Town Meeting, but to make it clear to the voters the Town would not proceed without a Memorandum of Understanding in place. Issues to be addressed include parking, projected revenues, enforcement and management practices. It was agreed the logistics of the project would be required to be determined before the project would move forward.

Motion made by Selectman Gottlieb to re-instate Special Town Meeting Article #10 regarding the proposed Disc Golf Course project, with a recommendation to be made at the May Town Meeting.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

It was noted that Town Counsel is in agreement with the change of the explanation to Article #10 as presented.

Approval of Final Draft of the May 2016 Special and Annual Town Meeting Warrants:

The Board of Selectmen conducted a final review of the draft May 2, 2016 Special and Annual Town Meeting Warrants.

Special Town Meeting Warrant:

Article #3: Reorganization of Town Government; Department of Natural Resources
New article and explanation; language revision presented by Town Counsel.
A public hearing will be held with regards to the reorganization proposal.
Article #3 was approved by the Board of Selectmen.

Article #5: CPC – Housing Assistance Program
There was no representation to discuss the intended affordable housing program.

Correspondence included in the Selectmen's informational packet was received from the Mashpee Housing Authority Director dated March 28, 2016 with respect to the Town Meeting article proposed to continue the Mashpee Housing Assistance Program through Community Preservation Act funding. It was noted the applicant previously met with the Town Manager and a member of the Board of Selectmen regarding the reporting process for this program for transparency purposes. Realizing there are confidentiality laws, there has been concern with regards to how taxpayer monies are expended for the three-year \$330,000 Housing Assistance Program previously funded for \$300,000.

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Approval of Final Draft of the May 2016 Special and Annual Town Meeting Warrants:

Special Town Meeting Warrant:

Article #5: CPC – Housing Assistance Program (continued)

In concern and to alleviate the controversy of this program regarding transparency, it was recommended the Town's Director of Human Services Gail Wilson be involved in the process for the purpose of vetting an additional layer of checks and balances. Leila Botsford, the Director of the Mashpee Housing Authority in her memorandum was in support of developing a Memorandum of Understanding (MOU) to allow the Human Services Director to be a part of the Housing Assistance Program client-review process.

Under the proposed MOU Ms. Botsford recommended that a release be signed by the program applicants to allow Ms. Wilson to review their application and associated paperwork regarding this program. Ms. Wilson would be required to participate in all client application reviews and be bound to confidentiality.

As a result of the complexity of this matter and previous controversy regarding transparency there was concern that a representative from the Housing Authority was not in attendance to further review this matter. There were unanswered questions including the term of assistance that were unable to be addressed.

Motion made by Selectman Cotton to support placing Article #5 on the Special Town Meeting Warrant with a recommendation to be made at the May Town Meeting.

Motion seconded by Selectman Sherman.

VOTE: 3-2. Motion carries.

Roll Call Vote:

Selectman Cahalane, no	Selectman Sherman, yes	Selectman Gottlieb, no
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, (2)

The Town Manager indicated that if a Memorandum of Understanding was developed to include the Human Services Director, the document would be required to be reviewed to form by Town Counsel.

Article #9: CPC - Acquisition of Littleford Moniz Jordan Property
A language amendment in the explanation only was recommended by Town Planner, and approved by Community Preservation Committee.
Article #9 was approved by the Board of Selectmen.

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Approval of Final Draft of the May 2016 Special and Annual Town Meeting Warrants:

Special Town Meeting Warrant:

Article #10: CPC – Disc Golf Course proposal at 156 Ashumet Road
The change of location was approved by Community Preservation Committee.
Article #9 was re-instated by the Board of Selectmen.

Motion made by Selectman Cahalane to approve the explanation change to 156 Ashumet Road, Mashpee.

Motion seconded by Selectmen O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Article #11: CPC – Mashpee Greenway Project
The language in the explanation only was recommended by Town Planner,
and approved by Community Preservation Committee.
Article #11 was approved by the Board of Selectmen.

Annual Town Meeting Warrant:

Article #4: Temporary Borrowing to purchase a new Fire Pumper Truck, New Article
Unanimous recommendation of CIP Committee; the \$650,000 purchase would be fully
funded by the Ambulance Receipts Account.

Motion made by Selectman Gottlieb to approve and recommend Article #4 of the Annual Town Meeting Warrant as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Article #5: Cape Cod Regional Technical High School District budget
Correct figures were inserted into the article and explanation.

Motion made by Selectman Gottlieb to approve and recommend Article #5 of the Annual Town Meeting Warrant as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

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Approval of Final Draft of the May 2016 Special and Annual Town Meeting Warrants:

Annual Town Meeting Warrant: (continued)

Article #7: A special revenue fund known as PEG Access and Cable Related Fund
The explanation language was developed by Town Counsel in unison with guideline requirements imposed by the Department of Revenue (DOR).
Article #7 was approved by the Board of Selectmen.

Article #9: Chapter 90 Local Transportation Aid
A sum of money to be determined by the State formula when it is obtained.
Town Counsel has advised the article is permissible in its current form.

Motion made by Selectman Gottlieb to approve and recommend Article #9 of the Annual Town Meeting as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Article #19: Bylaw Amendment: Proposed No Smoking Ban on Town Beaches
Revised language incorporated into article by Town Counsel.

Motion made by Selectman Gottlieb to approve and recommend Article #19 of the Annual Town Meeting with the revised language.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Petition Articles – Article 21 & Article 22:

Motion made by Selectman Gottlieb to make a recommendation on Petition Article #21 and Article #22 at the May Town Meeting.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

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Approval of Final Draft of the May 2016 Special and Annual Town Meeting Warrants:

Motion made by Selectman Gottlieb to approve and execute the May 2, 2016 Special and Annual Town Meeting Warrants as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Adjournment:

Motion made by Selectman Gottlieb to adjourn at 7:29 p.m.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes	Selectman Gottlieb, yes
Selectman O'Hara, yes	Selectman Cotton, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen